

II. REMARKS/ARGUMENTS

A. STATUS SUMMARY

Claims 3, 5-7, 9-14, 17-19, 21-23, 25-34, 36-38 and 40-46 are pending in the application. Claims 27-33 are withdrawn from consideration as being directed to non-elected subject matter; claims 8, 20, 35 and 39 are cancelled; claims 3, 13, 23 and 34 are amended to more fully describe the invention; and new claims 44-46 are added. Claims 3, 5-7, 9-14, 17-19, 21-23, 25-26, 34, 36-38 and 40-43 stand rejected.

B. CLAIM AMENDMENTS

Amendments to independent claims 3, 13, 23 and 34 are supported at least by the claims as previously presented, including cancelled claims 8, 20 and 39 as well as by FIGS. 8-14 and paragraphs 36, 38, 39, and 41-43. New claims 44-45 are supported at least by FIGS. 8-14 and paragraph 36, 38, 39, and 41-43. New claim 46 is supported at least by FIGS. 11 and 12 and paragraph 41.

C. CLAIM REJECTIONS – 35 USC § 103(a)

Claims 3, 5-7, 9-14, 17-19, 21-23, 25-26, 34, 36-38 and 40-43 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,132,069 (“the ‘069 patent”) in view of U.S. Patent No. 6,588,543 (the ‘543 patent) or over the ‘543 patent in view of the ‘069 patent. Applicants respectfully traverse these rejections because the ‘069 and ‘543 patents fail to teach or suggest all of the recited claim elements.¹

1. Rejection over the ‘069 patent in view of the ‘543 patent

The U.S.P.T.O. states that the ‘069 patent “discloses a mounting mechanism having all the claimed features of applicant’s invention as illustrated below” referencing reproductions of FIGS. 2 and 9 of the ‘069 patent in the Office Action. In the reproduced figures, item 39 is

¹ *In re Gulack* 703 F.2d 1381, 217 USPQ 401 (Fed. Cir. 1983); *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

identified by the U.S.P.T.O. as “pivot arm” and item 38 is identified by the U.S.P.T.O. as “interface section”.

However, the ‘069 patent including FIGS. 2 and 9, fails to disclose or suggest an “arm member [that] includes a base section” or an “interface section [that] is substantially located in a region of the base section” as now recited in independent claims 3, 13, 23 and 34 and the remaining claims by dependency.

Further, the ‘543 patent fails to disclose or suggest either an interface section or a base section of an arm member, much less an “interface section [that] is substantially located in a region of the base section” as now recited in independent claims 3, 13, 23 and 34 and the remaining claims by dependency.

Moreover, with respect to new claims 44-46, the ‘069 and ‘543 patents fail to disclose or suggest “a base section [that] includes a first portion and a second portion” or an “interface section [that] is substantially located between the first portion and the second portion of the base section” as recited in new claim 44; an “interface section [that] is substantially located in a central cavity of the base section” as recited in new claim 45; or a “shaft [that] extends through the interface section and the base section” as recited in new claim 46.

Therefore, because all of the elements of the invention as claimed are neither disclosed nor suggested in either the ‘069 or the ‘543 patents, reconsideration and withdrawal of this rejection is respectfully requested.

2. Rejection over the ‘543 patent in view of the ‘069 patent

In the rejection, the U.S.P.T.O. states that the ‘543 patent discloses a loudspeaker system comprising a loudspeaker, a speaker housing, a mounting assembly, a mounting mechanism including an arm member, a spring mechanism and a shaft. It is further stated that the ‘543 patent “does not disclose the ceiling mounting arrangements as claimed.”

However, there are no recitations of “ceiling mounting arrangements” in the instant claims and, further, there are no recited elements in the claims that limit the claims to ceiling mounting arrangements.

The U.S.P.T.O. then continues, stating that the ‘069 patent “discloses a ceiling mounting arrangement having mounting mechanism with all the claimed features of applicant’s invention as illustrated below” referencing reproductions of FIGS 2 and 9 of the ‘069 patent in the Office Action.

As noted above, however, the ‘543 patent fails to disclose or suggest either an interface section or a base section of an arm member, much less an “interface section [that] is substantially located in a region of the base section” as now recited in independent claims 3, 13, 23 and 34 and the remaining claims by dependency.

Further, the ‘069 patent including the reproduced FIGS 2 and 9, fails to disclose or suggest an “arm member [that] includes a base section” or an “interface section [that] is substantially located in a region of the base section” as now recited in independent claims 3, 13, 23 and 34 and the remaining claims by dependency.

Moreover, with respect to new claims 44-46, the ‘543 and ‘069 patents fail to disclose or suggest “a base section [that] includes a first portion and a second portion” or an “interface section [that] is substantially located between the first portion and the second portion of the base section” as recited in new claim 44; an “interface section [that] is substantially located in a central cavity of the base section” as recited in new claim 45; or a “shaft [that] extends through the interface section and the base section” as recited in new claim 46.

Therefore, because all of the elements of the invention as claimed are neither disclosed nor suggested in either the ‘543 or the ‘069 patents, reconsideration and withdrawal of this rejection is respectfully requested.

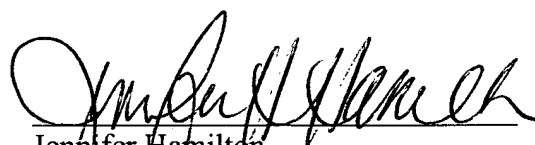
D. CONCLUSION

In view of the amendments to the claims and the remarks above, it is believed that the claims are in a condition for allowance and such favorable consideration is respectfully requested. Should any questions arise or if any additional issues remain, the U.S.P.T.O. is requested to contact the undersigned attorney.

Respectfully submitted,

Dated: _____

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Jennifer Hamilton
The Eclipse Group LLP
10605 Balboa Blvd., Suite 300
Granada Hills, CA 91344
(818) 488-8141 Telephone
(818) 332-4502 Fax
jhh@eclipsegrp.com

Customer No.: 34408